

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.mcgov.org/council/board/html)**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 10, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following cases:

- (a) **A-5779, Petition of Roger A. and Jeneva E. Stone** (a covered porch). Hearing held 6/12/02.

Action: Granted Order Extending Time, (AIF/LLM, 5-0).

2. **A-5749, Appeal of Barbara Siegel** (Department of Permitting Services – Building Permit No. 262232) and **A-5761, Appeal of Carol Lynn Green** (Department of Permitting Services (DPS) – Building Permit No. 269736). Letter from Erica Leatham, Esquire, requesting that the Board schedule two additional hearing days after 7/31/02.

Action: (1) Granted request for additional hearing dates; (2) date to be determined, consensus.

3. **CBA-754-A, Petition of Glenwood Recreation Club, Inc. (GRC, Inc.)** (community swimming pool). Letter from Bruce Lupin, Vice President, GRC, Inc., requesting an expedited hearing.

Action: (1) Item deferred (2) hearing date to be determined by the Hearing Examiner, consensus.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.mcgov.org/council/board/html)**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 10, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, June 26, 2002 Worksession.

Action: Approved the minutes as amended, AMC/LLM, 5-0).

2. **A-5713, Appeal of Benjamin Rivera** (Department of Housing and Community Affairs [DHCA] – Condemnation Notice dated 12/6/01). Letter from the appellant requesting reconsideration.

Action: Denied reconsideration, (AIF/LLM, 5-0).

3. **A-5716, Appeal of Donald M. McGee** (Department of Permitting Services – Notice of Violation dated 11/30/01) and **A-5721, Appeal of Arnie Fainman** (Department of Permitting Services – Notice of Violation dated 11/30/01). Letter from Stephen Orens, Esquire, withdrawing the appeals.

Action: Dismissed the appeals without prejudice, (LLM/AIF, 5-0).

4. **CBA-2134, [CBA-1838, CBA-1849], Petition of Forest Glen Medical Center, Inc.** (medical and dental clinic). Special exception inspection report from Stanley N. Garber, Zoning Investigator, DPS.

Action: Lifted the suspension of operations, (DLB/LLM, 5-0)

5. **CBA-2401, Petition of Milic and E. G. Kybal** (private riding stable). Letter to the Board from the homeowner, Clifford R. Gross, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AMC/DLB, 5-0).

6. **CBA-2620, Petition of Garden Gate Landscaping, Inc.** (horticultural nursery). Letter from Roger K. Bain, Esquire, and Gus B. Bauman, Esquire, to the Board requesting an administrative modification. (Large exhibits: site plan, modification plan, security and lighting plan, aerial photographs, and photograph booklet).

Action: (1) Denied administrative modification; (2) applicant has the option of applying for a public hearing, (LLM/AMC, 5-0).

7. **CBA-2654, Petition of Lala H. Garritty** (child day care facility). Letter from the special exception holder notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AMC/AIF, 5-0).

8. **S-210, Petition of Montgomery County Association for Retarded Children, Inc.** (private educational institution). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

9. **S-397, Petition of George S. and Linda C. Newman** (horticultural nursery and commercial greenhouse). Letter from Stanley D. Abrams, Esquire, requesting a transfer of the special exception. Also include is a letter from the special exception holder.

Action: Granted transfer of the special exception, (DLB/LLM, 5-0).

10. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letter from Robert G. Brewer, Jr. Esquire, to the Board requesting an administrative modification and an amendment to the pending special exception modification request. (Large exhibits: south and west building elevations, north and east building elevations, overall site plan, existing conditions plan, site plan – new work lighting, site plan – storm drain and paving plan, final forest conservation and landscape plan, and over utility plan).

Action: Granted amendment of the modification request, (AMC/AIF, 5-0).

11. **S-763, Petition of Silver Spring Temple and Library Association, Inc.** (service organization). Letter to the Board from Felicia M. Valdez, Ed.D., Director, Educational Services, requesting a transfer and a modification of the special exception.

Action: (1) Denied administrative modification; (2) applicant has the option of applying for a public hearing, (LLM/AIF, 5-0).

12. **S-1131, Petition of Raymond E. Heibert** (accessory apartment). Letter to the Board from Lynn B. Litterine, property owner, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

13. **S-1684, Petition of Terrill and Janet Chalfont** (horticultural nursery and landscape contractor). Inspection report from Stanley N. Garber, Zoning Investigator, DPS.

Action: Granted transfer of the special exception, (LLM/AMC, 5-0).

14. **S-1726, Petition of Dorothy J. Kruhm** (accessory apartment). Letter from Christina L. and Leonard V. Cusimano, property owners, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (DLB/AMC, 5-0).

15. **S-1932, Petition of Florence M. Hallman** (accessory apartment). Letter to the Board from John G. Hallman, property owner, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/DLB, 5-0).

16. **S-2503, Petition of Holton-Arms School** (private educational institution). Letter from Linda C. Kauskey, Vice President, Bradley Boulevard Citizens Association, requesting the record be re-opened to include a letter **dated 6/6/02**.

Action: (1) Re-opened the record to include the letter from the Bradley Boulevard Citizens Association; (2) denied request for reconsideration, (LLM/AMC, 5-0).

17. **S-2536 [A-5792], Petition of Manor House at Sligo Creek, Inc.** (nursing and care home). Letter Robert G. Brewer, Jr., Esquire, to the Board requesting an expedited hearing and the consolidation of the special exception and variance hearings.

Action: (1) Granted request to consolidate the public hearings; (2) Office of the Hearing Examiner's to determine the hearing date, (AMC/AIF, 5-0).

DECISION ITEM:

18. **S-2488, Petition of Kwan Sook Yi** (retail establishments in an office building). Hearing Examiner's Report and Recommendation.

Action: Approved Hearing Examiner's Report and Recommendation, (LLM/AIF, 5-0).

INFORMATION ITEMS:

19. **CBA-1174-C, Petition of Holton-Arms School** (private educational institution). Holton-Arms School's Quarterly Report.

Action: Re-opened record to include the Quarterly Report, (AIF/DLB, 5-0).

20. **S-2447, Petition of AT&T Wireless Services** (public utility buildings, public utility structures, and telecommunication facilities). Notice of Dismissal from the Circuit Court.

Action: No action required by the Board.

21. **S-2458, Petition of Rosemary J. Bean** (major home occupation). A copy of letter sent the Robert Hubbard, Director, DPS.

Action: Re-opened the record to include Mr. Hubbard's letter, (AIF/LLM, 5-0).

PENDING ITEMS:

22. **CBA-1577, Petition of Stanley J. Nadonley, Trustee** (golf course and country club). Letter to the Board from Dino C. La Fiandra, Esquire, requesting an extension of time for the submission of the special exception modification request. Deferred item until 7/24/02 worksession.

PENDING ITEMS (continued):

24. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.
25. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
26. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
27. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
28. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
29. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
30. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
31. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board dated 5/15/02, from C. Robert Dalrymple, Esquire, with an update of the timetable for the proposed text amendment.
32. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
33. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.
34. **S-2437, Petition of Elgin C. and Madeline M. Cowart** (accessory apartment). Letter to the Board from the petitioners requesting reconsideration.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist